

Department of Planning
Post Office Box 15225
Chesapeake, Virginia 23328
(757) 382-6176
FAX (757) 382-6406

MARKED AGENDA

Chesapeake Planning Commission

**PUBLIC HEARING – JULY 11, 2007
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Smith
- B. Invocation: Commissioner Ward
- C. Pledge of Allegiance: Commissioner Smith
- D. Roll Call: Commissioner Moore absent
- E. Approval of Minutes: **JUNE 13, 2007 APPROVED.** (8-0; Whitted/Ward - Moore absent)
- F. Public Hearing Consent Items:
 - 1. **R-07-09**
PROJECT: Meadow Landing South
APPLICANT: Chesapeake Redevelopment & Housing Authority
AGENCY: DJG, Inc.
PROPOSAL: A conventional zoning reclassification of 3.557 acres from R-MF-1, Multi-family Residential District to R-TH-1, Townhouse Residential District for 18 residential duplexes (36 units).
PROPOSED COMP LAND USE & DENSITY: Townhouse residential development 10 units per acre.
EXISTING COMP LAND USE & DENSITY: High density residential not to exceed 16 units per acre.
LOCATION: 3003 Fireside Road
TAX MAP SECTION/PARCEL: Portion of 1360000000100
BOROUGH: South Norfolk
(Continued from the May 9, 2007 Public Hearing)

CONTINUED to the September 12, 2007 Public Hearing. (8-0; Rowland/Ward – Moore absent)

2. **UP-06-10**
PROJECT: Bunch Walnuts Road Monopole
APPLICANT: Nextel Communications of the Mid-Atlantic, Inc.
AGENCY: General Dynamics, Inc.
PROPOSAL: A conditional use permit to allow a 250' monopole communication tower on a 0.35 acre leased parcel; part of a 60 acre tract.
ZONE: A-1 Agriculture District
SIC CODE: 48
LOCATION: 3801 Bunch Walnuts Road
TAX MAP SECTION/PARCEL: portion of 1060000000580
BOROUGH: Pleasant Grove
(Continued from June 13, 2007 Public Hearing)
- CONTINUED to the August 8, 2007 Public Hearing.** (8-0; Rowland/Ward – Moore absent)
3. **UP-07-15**
PROJECT: Virginia Point Biodiesel
APPLICANT: Virginia Point Biodiesel, LLC
AGENCY: Hoggard-Eure Associates, PC
PROPOSAL: A conditional use permit to construct and operate a biodiesel fuel production facility on 44± acres. The applicant also seeks approval of a height increase pursuant to Sections 8-302.a.6 and 19-205.b of the Chesapeake Zoning Ordinance to allow two proposed 100 ft. structures to exceed the 75 foot height limitation by 25 feet.
ZONE: M-2 General Industrial District
SIC CODE: 2079
LOCATION: 700 Rosemont Avenue
TAX MAP SECTION/PARCEL: Portion of 1440000000010, 1440000000011, 1440000000020
BOROUGH: South Norfolk
(Continued from the June 13, 2007 Public Hearing)
- CONTINUED to the August 8, 2007 Public Hearing.** (8-0; Rowland/Ward – Moore absent)
4. **TA-Z-07-08**
An ordinance amending Appendix “A” of The Chesapeake City Code, entitled “Zoning,” Section 3-302 be amended to add paragraph C to clarify the requirements for minimum lot frontage, lot width, and lot size for properties with multiple zoning classifications.
- Planning Commission recommends that TA-Z-07-08 version dated June 15, 2007, be APPROVED.** (8-0; Peoples/Ward – Moore absent)

5. [TA-Z-07-10](#)

An ordinance amending Appendix "A" of the Chesapeake City Code, entitled "Zoning", Article 3, section 3-403, Article 7, section 7-602, Article 8, section 8-602, Article 9, section 9-502, Article 10, section 10-602, Article 12, sections 12-405 and 12-607, Article 19, section 19-411 to establish a definition of medical care facilities and require a conditional use permit for such uses in the business, industrial, office and institutional, agricultural, South Norfolk business overlay and Fentress overlay zoning districts and to clarify parking requirements for such uses.

Planning Commission recommends that TA-Z-07-10, version dated June 26, 2007, be [APPROVED](#). (8-0; Peoples/Ward – Moore absent)

6. [R\(C\)-07-05](#)

PROJECT: 4912 Portsmouth Boulevard

APPLICANT: Jay Barot

AGENCY: Chesapeake Land Use Enterprise

PROPOSAL: A conditional zoning reclassification of 3 acres from A-1 Agricultural District and 1 acre from R-15s Single Family Residential District to B-2 General Business District.

PROPOSED COMP LAND USE & DENSITY: General Business/Commercial.

EXISTING COMP LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre.

[LOCATION](#): 4912 Portsmouth Boulevard and parcel immediately west.

[TAX MAP SECTION/PARCEL](#): 0151007000070, 0151007000071

BOROUGH: Western Branch

(Continued from the June 13, 2007 Public Hearing)

Planning Commission recommends that R(C)-07-05 be [APPROVED](#) with the following proffers: (8-0; Peoples/Ward – Moore absent)

1. **The applicant/owner agrees to provide ingress/egress easements benefiting abutting properties west and east as determined appropriate by the Director of Public Works or designee to provide for the implementation of an Access Management Plan for Portsmouth Boulevard. A stub street providing access to Parcels 015008000020, 015008000010, 0151007000071, and 0150000001910 may be via a stub street out with an ingress/egress easement across private property connecting to the proposed entrance along Portsmouth Boulevard. The precise location of these easements and stub street locations will be determined at preliminary site plan approval by the Director of Public Works or designee. These easements shall be recorded before final site plan approval.**
2. **The applicant/owner shall vacate all interior property lines prior to final site plan approval.**

- 3. The applicant/owner agrees to dedicate right-of-way as necessary for the future 160' minimum right-of-way for Portsmouth Boulevard widening project in accordance with the 2050 Master Transportation Plan. This dedication shall be made prior to approval of final site plan for any property with frontage along Portsmouth Boulevard or when the City first notifies the applicant/owner of the commencement of right-of-way acquisition for the widening of Portsmouth Boulevard, whichever occurs first.**
- 4. The applicant/owner agrees that no more than 100 rooms for occupancy shall be constructed for any hotel or motel, and that all office, commercial and retail buildings cumulatively shall not exceed 25,000 square feet of gross floor area.**
- 5. The applicant/owner agrees that the architectural elements of the hotel shall be equal or better than the attached exhibit, and the additional building will be architecturally compatible with the hotel. Architectural elements for the hotel shall include, but not be limited to the following and shall be consistently applied to all sides of the building, with the exception of the canopied entrance:**

 - a. A-pitched roofs with dormers,**
 - b. Wrought-iron or wrought-iron-like fencing,**
 - c. brick or brick veneer (as actual, individually laid-up units, not "Quik-Brick" or similar modular product) façade design features, with brick quioned corners as enhanced design features.**
 - d. Decorative outside lighting,**
 - e. Enhanced signage consistent with the architectural design of the building,**
 - f. Canopied drive-thru entrance,**
 - g. Heavy landscaping, which will equate to exceeding the City's Landscape Ordinance (19-600) by 30%. The objective of the enhanced landscaping is to be consistent with proposed surrounding development.**
 - h. Shared BMP with adjacent property owned and developed by Wirth Construction, as agreed to and approved by the City.**
- 6. The applicant/owner agrees to construct turn lane and entrance improvements to accommodate the final site design in accordance with Public Works requirements. The improvements and final**

geometric layout will be shown on the final site plan and constructed prior to a Certificate of Occupancy.

7. [R\(C\)-07-14](#)

PROJECT: Hickory Ridge Community Church

APPLICANT: Hickory Ridge Community Church

PROPOSAL: A conditional zoning reclassification of 34.62 acres from R-15s Single Family Residential District (2.09 acres) and A-1 Agricultural District (32.53 acres) to O&I Office and Institutional District for the expansion of church facilities and a future elementary and secondary school.

PROPOSED COMP LAND USE & DENSITY: Office & Institutional

EXISTING COMP LAND USE & DENSITY: Rural

[LOCATION:](#) 3320 Battlefield Blvd. South

[TAX MAP SECTION/PARCEL:](#) 0970000000870

BOROUGH: Pleasant Grove

Planning Commission recommends that R(C)-07-14 be [APPROVED](#) with the following proffers: (8-0; Peoples/Ward – Moore absent)

- 1. The applicant/owner agrees that the architecture of any structure built or placed on the subject property after the date this rezoning becomes effective shall comply with the site and design guidelines in Appendix B of the TCOD Policy Framework and Development Guidelines as approved by the Planning Director or designee.**
- 2. The applicant/owner agrees to remove and replace all damaged or dead plant material on the subject property, as approved by the City Arborist or designee, within 120 days of the effective date of this rezoning.**
- 3. The applicant/owner agrees to provide left and right turn lanes into the development along Battlefield Boulevard designed in accordance with AASHTO and Public Works requirements. These turn lanes shall be completed and dedicated as determined by the Director of Public Works or designee before issuance of a certificate of occupancy for any new construction or addition on the subject property but not including the three portable classrooms placed on the subject property before the date this rezoning becomes effective and the 6,180 square foot church building expansion shown on the final site plan dated May 21, 2003 approved before the date that this rezoning becomes effective.**
- 4. The applicant/owner agrees to reserve 1/2 of the ultimate 120' right-of-way along the property's frontage with Battlefield Boulevard in accordance with the 2050 Master Transportation Plan. The applicant/owner agrees that the City may acquire the right of way provided for by the reservation at no cost to the City at anytime**

deemed appropriate by the City. This reservation shall be made prior to final site plan approval for any new construction or addition on the subject property but not including the three portable classrooms placed on the subject property before the date this rezoning becomes effective and the 6,180 square foot church building expansion shown on a final site plan dated May 21, 2003 approved before the date that this rezoning becomes effective.

5. The applicant/owner agrees that the subject property shall only be used and developed as a church, private elementary and secondary school, family life center, child day care, and for recreational facilities associated with the church and primary and secondary school subject to any required conditional use permits.

8. **R(C)-07-16**
PROJECT: Autumn Care
APPLICANT: Mars Brothers "H", LLC
AGENCY: Hassell & Folkes, P.C.
PROPOSAL: A conditional zoning reclassification of 14.6 acres from R-15s Single Family Residential District to R-MF-1, Multifamily Residential District to permit a group care facility as a conditional use on the site.
PROPOSED COMP LAND USE & DENSITY: Medium density residential with up to 16 units per acre.
EXISTING COMP LAND USE & DENSITY: Low density residential with one unit per acre to something less than four units per acre.
LOCATION: Property is located on the east side of Argyll Street at its intersection with Bryant Drive.
TAX MAP SECTION/PARCEL: Portions of 0380000001370, 0380000001380, 038000000521
BOROUGH: Washington

Planning Commission recommends that R(C)-07-16 be **APPROVED** with the following proffer: (8-0; Peoples/Ward – Moore absent)

- The owner/applicant proffers that the uses on the site shall be restricted to a group care facility and its accessory uses.

9. [UP-07-18](#)

PROJECT: Autumn Care

APPLICANT: Mars Brothers "H", LLC

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A conditional use permit for a group care facility on 14.6 acres.

ZONE: Proposed R-MF-1 Multifamily Residential District

SIC CODE: 805

LOCATION: Property is located on the east side of Argyll Street at its intersection with Bryant Drive.

TAX MAP SECTION/PARCEL: Portions of 0380000001370, 0380000001380, 038000000521

BOROUGH: Washington

Planning Commission recommends that UP-07-18 be [APPROVED](#) with the following stipulations: (8-0; Peoples/Ward – Moore absent)

1. The applicant/owner agrees to provide a 10 foot buffer "C" along the entire northern property line, in addition to any other required landscaping and buffer yards, as approved by the City Arborist before approval of any certificate of occupancy.
2. The height of all buildings shall not exceed 30 feet.
3. The applicant and the owner of the property shall ensure that full written disclosure of the proximity of the Elbow Road Farm (Thrasher) Landfill, located immediately north of this group care facility, is included in i) the notes on all recorded development plats and plans, ii) all initial contracts for purchase of lots by builders and first occupants, and iii) all deeds of conveyance, restrictive covenants, leases, and homeowner association documents that will run with the land. The disclosure shall read as follows:

The Elbow Road Farm (Thrasher) Landfill is located adjacent to this development. The existing Landfill was approved by issuance of a conditional use permit by the Chesapeake City Council and by the issuance of a permit for a construction and demolition debris landfill by the Virginia Department of Environmental Quality (DEQ). DEQ has also issued a permit for the future expansion of the Landfill. If implemented, the expansion will allow the operation of the Landfill to continue until the year 2018. Properties adjacent to the landfill may be affected by noise, dust and odors normally associated with the operation of a landfill. In addition, DEQ has required water quality monitoring for this Landfill due to potential impacts on adjacent properties. Any questions regarding the Landfill, the DEQ permits, the water quality monitoring tests, groundwater quality, or surface water quality should be directed at the DEQ.

The applicant and the owner shall be fully responsible for ensuring that this language is included in the instruments described above and by acceptance of development plan approval with this stipulation, the applicant and the owner acknowledge that the City is under no duty to inspect or review contracts, deeds, restrictive covenants, leases, and homeowner association documents. It is further acknowledged and agreed by the applicant and owner that the duty of ensuring compliance appropriately lies with the parties responsible for the development, construction and marketing of the development, e.g., owners, subdivider, developers, builders, realtors and sellers.

10. **STC-07-03**

PROJECT: Franklin Street Closure

APPLICANT: John S. Miller

AGENCY: Glasser and Macon, P.C.

PROPOSAL: A street closure request for a 250 square foot portion of right of way along the east side of the 4100 block of Franklin Street.

LOCATION: East side of Franklin Street in the 4100 block.

TAX MAP SECTION/PARCEL: Adjacent to 1590000002100

BOROUGH: South Norfolk

Planning Commission recommends that ST.C-07-03 be **APPROVED** with the following stipulations: (8-0; Peoples/Ward – Moore absent)

1. The applicant shall vacate all interior property lines by an approved resubdivision plat and the plat shall be filed for recording within 90 days of approval of this street closure.
2. The water meter and sewer cleanout shall be relocated by the applicant to public right-of-way, as approved by the Director of Public Utilities or designee, within 90 days of approval of this street closure.

11. **UP-03-15 REV(4/07)**

PROJECT: Dominion VA Power Chesapeake Energy Center

APPLICANT: Dominion Resources Services, Inc.

AGENCY: Dominion Resources Services, Inc.

PROPOSAL: A reconsideration of a previously approved stipulation (5b) regarding operational time limits for the anhydrous and aqueous ammonia systems for the Chesapeake Energy Center.

ZONE: M-2 General Industrial District

SIC CODE: 5169

LOCATION: 2701 Veeco Street

TAX MAP SECTION/PARCEL: 0260000000090

BOROUGH: Deep Creek

Planning Commission recommends that UP-03-15 REV(4/07) be APPROVED with the following revised stipulations: (8-0; Peoples/Ward – Moore absent)

- 1. All transport of ammonia shall be on a route designated and approved by the Fire Department and shall occur only between the hours of 12:01 am and 5 am.**
- 2. The operation, use, and maintenance of the tanks shall be subject to the requirements of the Fire Department and the Virginia Statewide Fire Prevention Code.**

The applicant shall take any and all necessary action to ensure that trucks transporting toxic materials shall not travel, idle or park on any highway or road within the City of Chesapeake, except between the hours of Midnight and 5 a.m. A subsequent violation by the same or different truck driver or transport company shall be deemed sufficient cause to request City Council to revoke the conditional use permit pursuant to Section 17-112 of the Zoning Ordinance. The applicant shall be responsible for any notice of violation or warning issued by the Zoning Administrator for noncompliance with this stipulation, except in emergency situations as defined by the Fire Chief or designee, which shall be incorporated by reference into this stipulation when such definitions are established and amended as necessary. In such emergency situations, the Fire Department shall be notified as soon as reasonably practicable of the transport delivery of toxic materials outside the normal period of 12:00 am to 5:00 am. In addition, the facility shall provide such documentation as the Chesapeake Fire Department may request of the emergency conditions necessitating such transportation.

- 3. The applicant/owner shall be responsible for uninsured and unreimbursed costs incurred by the City in providing mitigation, containment or emergency services in the event anhydrous or aqueous ammonia is spilled or leaked in Chesapeake due to the activities conducted by applicant/owner under this conditional use permit. In addition, the City shall have all rights to collect clean-up costs and other damages as prescribed by the current Virginia Statewide Fire Prevention Code including local amendments in place, or any other applicable state, local or federal law, ordinance, regulation or cause of action.**
- 4. An amendment of this conditional use permit shall be required in the event of:**
 - a. any expansion of the anhydrous or aqueous ammonia tank systems that is not shown on the approved preliminary site plan, or**

5. **The applicant shall comply with the following Chesapeake Hazardous Material Team evaluation requirements:**
 - a. **(150 Industrial Scientific STX70, Single Gas Meters shall be purchased, and maintained and replaced as necessary by Dominion Virginia Power for use by and under the control of the Fire Department, to be strategically located at fire station numbers 2, 8, 9, and 15. The current price of these meters is \$588.00 each, with requirements for replacement of ammonia sensors as needed in accordance with shelf life.**
 - b. **Yearly drills, as requested and deemed to be necessary by the Fire Department for all Southside Regional Team members to include all 3 shifts.**
 - c. **Yearly drills, as requested and deemed necessary by the Fire Department for the first responding engine companies for Fire Station numbers 2, 8, 9, and 15 to include all three shifts.**

12. **UP-05-44 REV**
PROJECT: 7-Eleven, Portsmouth Blvd. and Jolliff Rd.
APPLICANT: 7-Eleven, Inc.
AGENCY: LeClair Ryan, A Professional Corporation
PROPOSAL: A conditional use permit to construct and operate a motor vehicle supply facility in conjunction with a permitted convenience store on approximately 1.166 acres.
ZONE: B-2 General Business District
SIC CODE: 554
LOCATION: North side of Portsmouth Boulevard, east of the intersection of Jolliff Road and Portsmouth Boulevard.
TAX MAP SECTION/PARCEL: Portion of 0150000001870
BOROUGH: Western Branch

Planning Commission recommends that UP-05-44 be APPROVED with the following stipulations: (8-0; Peoples/Ward – Moore absent)

1. **The applicant/owner agrees that the proposed architectural design of the proposed facility shall be substantially similar in appearance to that depicted on the rendering of architectural elevations, entitled “7-Eleven Convenience Store with Gas” and dated May 7, 2007, as determined by the Planning Director or designee. The applicant/owner also agrees that a final architectural plan, which includes without limitation a description of exterior colors and materials and demonstrates compliance with this stipulation, shall be submitted to, and approved by, the Planning Director or designee prior to the approval of the final site plan for the subject property. The applicant/owner further agrees that the approved final**

architectural plan shall be incorporated in the building plans that are submitted to the City for approval.

- 2. No loudspeakers shall be permitted on the subject site, with the exception of localized speakers at the individual gas pumps.**
- 3. No telephones shall be permitted outdoors on the subject site.**
- 4. No loitering shall be permitted on the site. Employees shall be required to monitor and prevent, as necessary, any evidence of loitering.**
- 5. The site shall be kept in a clean, well-maintained order at all times.**
- 6. No advertising shall be permitted on the proposed canopy with the exception of a 3x3 foot identification sign on the north, south and east sides of the canopy.**
- 7. No advertising shall be permitted on the exterior of the proposed convenience store, except in the area over the front glass area on the elevation dated May 7, 2007.**
- 8. The landscaping on the subject site shall be in accordance with Article 19-600 of the Chesapeake Zoning Ordinance, with the addition of an undulating berm ranging from 0ft. to 3ft. in height along its entire Portsmouth Boulevard frontage, east to the existing Commonwealth Gas line easement. Said berm shall wrap around the corner of the site from Portsmouth Boulevard to Starmont Parkway and extend to the first entrance to the site. The berm may be modified if required by the Public Works Department for sight visibility purposes.**

In addition to the normally required street frontage buffer provisions, said frontage shall be improved with minimum 2.5 inch caliper trees, 12 ft. to 14ft. at the time of planting, and minimum 36 inch shrubs at the time of planting.

- 9. The right-of-way dedication shall be provided along Portsmouth Boulevard for the future 160' ultimate right-of-way width in accordance with the 2050 Master Transportation Plan**
- 10. The proffers for R(C)-98-03 shall be shown on the final site plan.**

13. [UP-07-19](#)

PROJECT: Cascade Building Renovation

APPLICANT: City of Chesapeake

AGENCY: Facilities Mgt. Division, General Services Dept.

PROPOSAL: A conditional use permit to allow an interior renovation of an existing building and allow a change of use to a Community Hall on a 1.7 acre parcel.

ZONE: R-8s, Residential District

SIC CODE: 864

LOCATION: 1060 Cascade Blvd.

TAX MAP SECTION/PARCEL: 1290000005310

BOROUGH: South Norfolk

Planning Commission recommends that UP-07-19 be **APPROVED** with the following stipulations and with the alternative parking surface: (8-0; Peoples/Ward – Moore absent)

1. The applicant agrees to provide fire extinguishers in accordance with the requirements of the PFM.
2. The applicant agrees to provide smoke detectors, post an occupancy capacity sign and provide lighted exit signs with battery back-ups as recommended by the Fire Department.
3. The applicant agrees to install the landscape materials shown on the site plan stamp-dated June 27, 2007 prior to issuance of a certificate of occupancy.

14. [UP-07-20](#)

PROJECT: AGL Resources Construction Facility

APPLICANT: AGL Services Company

AGENCY: Kimley-Horn and Associates, Inc

PROPOSAL: A conditional use permit for a General Contractor's yard with outside storage on a 2.5[±] acre lot.

ZONE: B-2 General Business District

SIC CODE: 15

LOCATION: 4601 & 4621 Bainbridge Blvd.

TAX MAP SECTION/PARCEL: 0351001000010, 0351001000020

BOROUGH: Washington

Planning Commission recommends that UP-07-20 be **APPROVED** with the following stipulations: (8-0; Watson/Rowland – Moore absent)

1. The applicant shall dedicate half of the ultimate "compressed section" of 90' right-of-way along the parcel's frontage to Bainbridge Boulevard.

2. **Curb and gutter shall be installed along the entire frontage of the subject site in accordance with the requirements of the Public Works Department.**
 3. **No inoperable vehicles shall be stored or placed on the subject site.**
 4. **As agreed upon by the applicant, the applicant/owner shall install an eight-foot high decorative and opaque fence as depicted on the preliminary site plan dated July 11, 2007, and as permitted by the zoning ordinance to provide complete visual opaque screening for the residential homes to the east of the subject site.**
15. **UP-07-23**
PROJECT: e Fueling Network
APPLICANT: James River Petroleum, Inc.
PROPOSAL: A conditional use permit to allow an automated fueling facility on a 1.4505 acre parcel.
ZONE: M-1, Light Industrial District
SIC CODE: 554
LOCATION: 3481 Military Highway S.
TAX MAP SECTION/PARCEL: 0252011000530
BOROUGH: Deep Creek

Planning Commission recommends that UP-07-23 be APPROVED with the following stipulations: (8-0; Peoples/Ward – Moore absent)

1. **The applicant/owner agrees that there will be no pay phones, snack machines or drink machines on the site.**
2. **If the applicant/owner chooses to construct a canopy on the site, it shall be constructed with brick columns and a pitched roof in neutral colors. Such improvements shall require approval of the Planning Director prior to final site plan approval.**
3. **The applicant/owner agrees to obtain approval from the Fire Department that the proposed facility is being developed in accordance with the applicable requirements of National Fire Prevention Act 30 and 30A, in particular Section 9-5.**
4. **The applicant/owner agrees to provide a Fire Department approved lock box for emergency access to the gated/fenced compound.**
5. **The applicant/owner agrees to design and construct a left turn lane with taper and right turn taper shall in accordance with ASSHTO and Public Works requirements prior to issuance of a certificate of occupancy.**

16. [UP-07-24](#)

PROJECT: Starbucks Coffee-Country Club Shoppes

APPLICANT: Toby Cruser

PROPOSAL: A conditional use permit for a drive thru with an amplified speaker system in conjunction with a permitted Starbucks Coffee Company within the Country Club Shoppes shopping center on a 2.4 acre parcel.

ZONE: B-1 Neighborhood Business District

SIC CODE: 58

LOCATION: 940 Cedar Road (intersection of Cedar Road & Country Club Boulevard)

TAX MAP SECTION/PARCEL: 0470000001142

BOROUGH: Pleasant Grove

Planning Commission recommends that [UP-07-24](#) be [APPROVED](#) with the following stipulations: (8-0; Peoples/Ward – Moore absent)

1. As agreed upon by the applicant, the applicant/owner shall orient the amplified speaker within the speaker mounting stand in a manner such that it is angled as far away from the residential units as feasible. At the least, the speaker shall be angled directly towards Country Club Boulevard and/or as much towards the direction of Cedar Road as feasible.
2. As agreed upon by the applicant, the proposed drive-thru wall screen shall be constructed in substantial conformance to the attached architectural elevations (including materials and colors), dated July 2, 2007, as determined by the Planning Director or designee. In the event that the final layout or building orientation of the wall are found to be inconsistent with what has been offered, the applicant/owner shall make necessary changes, as required by the Director of Planning or designee, prior to the issuance of the building permit for the drive-thru wall screen.
3. The noise level being emitted from the amplified speaker in the drive-thru facility shall not exceed a decibel level of 42 dB at the property line at any time or the noise shall comply with the noise ordinance as amended, which ever is more restrictive. All measures shall be taken by the applicant/owner to ensure that the noise emitted from the speaker system is kept within this specified noise level.

G. Public Hearing Regular Items

17. [R\(C\)-07-06 REV](#)

PROJECT: Jolliff Station (*formerly Jolliff Landing*)

APPLICANT: Wirth Commercial Group LLC

AGENCY: Kimley-Horn and Associates, Inc.

PROPOSAL: A conditional zoning reclassification of approximately 60.58 acres from O&I, Office and Institution District (43.348 acres), R-15s Single Family Residential District (2.677 acres) and A-1 Agricultural District (14.574 acres) to R-MF-1 Multi-family Residential District (34.16 acres) and B-2 General Business District (26.44 acres).

PROPOSED COMP LAND USE & DENSITY: General Business/Commercial Low Density Multifamily with density not exceeding 16 units per acre.

EXISTING COMP LAND USE & DENSITY: Office and Suburban Single Family with 1 unit per acre to something less than 4 units per acre.

LOCATION: 4940, 4956, 5008, 4936, 4932 and 5040 Portsmouth Boulevard and 2124 Jolliff Road

TAX MAP SECTION/PARCEL: 0150000001900, 0150000001910, 0150000001911, 0150000001951, 0150000001972, 0510080000050, 0151008000040, 0140000000110

BOROUGH: Western Branch (*Continued from the May 9, 2007 Public Hearing*)
(This item has been approved for concurrent advertisement and will be heard by City Council on July 17, 2007)

Planning Commission recommends that R(C)-07-06 (REV) be [APPROVED](#) with the following proffers: (8-0; Watson/Weaver – Moore absent)
[Updated staff report](#)

1. The Applicant/Owner agrees to provide ingress/egress easements benefiting abutting properties south and east and one stub drive aisle to each parcel to the south and east as determined appropriate by the Director of Public Works or designee to provide for the implementation of an Access Management Plan for Portsmouth Boulevard. Access to Parcel 0151007000070 (now or formerly the Faulkenberry parcel) may come from the proposed northern roadway which runs in a direction parallel to Portsmouth Boulevard. Access to Parcel 0151008000030 (now or formerly the Laves parcel) may be via a stub out with an ingress/egress easement across private property out to the public right of way being constructed with this project. Access to Parcel 0140000000103 shall be via an ingress/egress easement which will tie in with one of the entrance drives for the Senior Housing portion of the project. The precise location of easements and stub locations will be identified on the preliminary site plan as approved by the Director of Public Works or designee. The easements shall be recorded or filed for recording before approval of any final site plan.

2. **The Applicant/Owner agrees to provide left and right turn lanes into the development at both entrances along Portsmouth Boulevard. Turn lanes shall be designed in accordance with AASHTO and Public Works requirements. The turn lanes shall be completed and dedicated to the City (if within new right-of-way) before issuance of any certificate of occupancy for the development, or part of the development, that triggers the need for the turn lanes as determined by Public Works.**
3. **The Applicant/Owner agrees to limit the development of the subject property to no more than 55 age-restricted units, 240 studio, one bedroom, and two bedroom apartment units (three bedroom units shall be prohibited), 20,000 square feet of gross floor area of office space, and 106,000 square feet of gross floor area of retail space.**
4. **The Applicant/Owner agrees that public rights-of-way proposed within the limits of the project shall be generally of the widths shown on the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. The rights-of-way shall be enlarged by the applicant/owner as necessary to accommodate the requisite laneage in and out of the main entrances to the project as determined by Public Works with the final site plan review. Proposed phasing of all internal roadways shall be approved by Public Works with consideration of any preliminary site plan or subdivision plan. This proffer shall not be construed to permit a right-of-way width less than that required by the City Code and Zoning Ordinance.**
5. **The Applicant/Owner agrees to provide a 120' right of way in the western portion of the site generally as shown on the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. This right-of-way provides for an extension of Hampton Roads Parkway in accordance with the plan entitled "2050 Master Transportation Plan" adopted by City Council on March 9, 2005. Furthermore, partial improvements to this right-of-way shall be installed in accordance with the requisite typical section for this roadway in accordance with the Public Works' "Public Facilities Manual". These improvements and dedication of right-of-way shall be completed as determined by the Director of Public Works or designee before issuance of any certificate of occupancy.**
6. **The Applicant/Owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new**

schools and additions. The amount of the voluntary cash contribution shall be \$1,000.00 per residential dwelling unit, not including the age-restricted units. The Applicant/Owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units shown on such plan that are not age-restricted. The Applicant/Owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box", also known as the General Fund Reserve for School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the Applicant/Owner agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.

- 7. The Applicant/Owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$701.45 per residential dwelling unit. The Applicant/Owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units shown on such plan.**
- 8. The Applicant/Owner agrees that they will vacate all interior property lines prior to final site approval.**
- 9. The Applicant/Owner agrees that there shall be two conservation areas on-site as designated on the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. These areas shall be undisturbed in perpetuity, preserved in their natural state, and maintain a minimum 20% canopy.**
- 10. The Applicant/Owner agrees that public roadways with public utility improvements shall be constructed through the site connecting Jolliff Road to Portsmouth Boulevard in general accordance with the preliminary site plan exhibit entitled "PORTSMOUTH BLVD. MIXED USE CONCEPT PLAN" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. These roadways and right-of-way will be built and dedicated in accordance with City standards and will serve to enhance the Access Management Plan for Portsmouth Boulevard and to serve additional properties not included in this rezoning with public utilities. The Chesapeake Department of Public Utilities shall have the right to determine the appropriate size and location of the**

proposed utilities within the new roadways to assure that they will provide acceptable service to the project. Roads required by this proffer shall be completed and acceptable as determined by the Director of Public Works or designee before any certificate of occupancy is approved for the property subject to this rezoning. Public utilities, water and sewer, not required to serve the subject property shall be complete and acceptable as determined by the Director of Public Utilities or designee before approval of any certificate of occupancy is approved for the property subject to this rezoning. Public utilities required for the subject property shall be installed in accordance with the requirements of the Director of the Department of Public Utilities or designee.

11. The Applicant/Owner agrees that a 25' enhanced landscape strip along the Portsmouth Boulevard road frontage shall be provided. The enhanced buffering shall consist of an undulating berm between one foot and three feet high as approved by the City Arborist. The enhanced buffering required by this proffer shall be installed before any certificate of occupancy is approved for a building in the B-2 Zoning District.
12. The Applicant/Owner agrees to provide access easements for the existing office at 5000 Portsmouth Boulevard in accordance with Proffer 1 to provide for the removal of this property's vehicular entrance to Portsmouth Boulevard and provide access to the roads required by Proffer 4. This proffer shall not bind the owner of 5000 Portsmouth Boulevard to remove the current entrance, but is intended to facilitate access management.
13. The Applicant/Owner agrees to dedicate right of way as necessary for the future 160' minimum right of way Portsmouth Boulevard widening project in accordance with the 2050 Master Transportation Plan. This dedication shall be made prior to approval of any final site plan or recordation of any subdivision plat for any property subject to this rezoning with frontage along Portsmouth Boulevard or when the City first notifies the applicant/owner of the commencement of right of way acquisition for the widening of Portsmouth Boulevard, whichever occurs first.
14. The Applicant/Owner agrees that a portion of the property designated as "SENIOR HOUSING" as shown on the exhibit entitled "PORTSMOUTH BLVD. MIXED USE PROJECT DENSITY EXHIBIT" dated June 21, 2007 and prepared by Kimley-Horn and Associates, Inc. shall be developed solely as an age-restricted adult community as follows:

- a. **100% of the occupied residential units shall at all times have as a permanent resident at least one person who is 55 years of age or older (“qualifying occupant”), provided that in the event of the death of a person who was the sole qualifying occupant, the spouse of such qualifying occupant may continue to occupy the residential unit as long as the provisions of the Fair Housing Act (42 U.S.C. § 3602 et seq.) relating to “housing for older persons,” and all regulations promulgated thereunder, are not violated. For purposes of this article, a “qualifying occupant” must establish residency and actually reside in the unit for at least six (6) months during every calendar year.**
- b. **No residential unit shall be occupied by any person 18 years of age or younger for any reason. For purposes of this article, a residential unit is deemed “occupied” by any person who stays overnight in the unit for more than 21 days in any 60 day period or for more than 30 days in any 12 month period.**
- c. **100% of the residential units constructed on the property shall be developed and occupied by persons fifty-five (55) years of age or older in compliance with applicable federal and state laws regarding housing for older persons, including but not limited to: the Fair Housing Act, 42 U.S.C. 3601 et seq., and the exemption provided in 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Virginia Fair Housing Law Va. Code 36-96.1 et seq.; any regulations adopted pursuant to the foregoing any judicial decisions arising thereunder; and any amendments to the foregoing as now or may hereafter exist.**
- d. **Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a declaration of restrictive covenants shall conform with these criteria in all respects and shall specifically prohibit amendments or exceptions contrary to the age restriction against occupancy by persons 18 years of age or younger.**
- e. **The owner/applicant shall implement policies and procedures in accordance with the Housing for Older Persons Act of 1995 and 24 CFR Part 100 to ensure that occupancy meets the criteria for housing for persons who are 55 years of age or older. The applicant/owner agrees to provide for the retention of all records related to verifying occupancy and agrees to submit copies of such records to the Zoning Administrator within ten calendar days of a request by the Zoning Administrator.**

15. **The Applicant/Owner agrees that all buildings to be constructed on the subject property shall conform to the following architectural requirements as approved by the Director of Planning or designee:**
- a. **The side or rear of a building located adjacent and visible from a public street shall be designed so as to possess as much detail as the primary façade oriented toward another public street. Visual interest shall be provided through window and door details, varied rooflines, consistent textures and color, and similar considerations.**
 - b. **Façade color shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be avoided to the extent practicable, as determined by the Planning Director. Brighter, trademark colors shall only be an accent.**
 - c. **Roofs shall be mansard, hipped style, or a combination with a slope that is proportional to the horizontal length of the building. Flat roofs are permitted on buildings if concealed from view by sloped roofs of the character described above. Dormers and other special rooftop elements shall be included to the extent practicable, as determined by the Planning Director.**
 - d. **Rooftop mechanical units, flues, and vents shall be organized and screened. The roofscape shall be an integral part of the design with respect to form, material and colors.**
 - e. **Lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as possible. Floodlighting on the rear of buildings shall be designed to minimize the direct or reflected light on adjacent properties.**
 - f. **Site lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as practicable. The height of the lighting shall be proportional to the height of the principal building located on the site. In no case shall the lighting exceed 35 feet in height. Varied lighting techniques, such as up lighting of trees and walkway lighting shall be employed to enhance the appearance of the site.**
 - g. **Floodlighting on the rear of buildings shall be designed to minimize the direct or reflected light on adjacent properties. Full cutoff lighting or equivalent/improved technology shall be provided on all exterior fixtures.**

18. [R\(C\)-07-08](#)

PROJECT: Skipper's Watch

APPLICANT: Callison Investors

AGENCY: Kimley-Horn and Associates, Inc.

PROPOSAL: A conditional zoning reclassification of 3 acres from R-15s and R-15 Single Family Residential District and B-1 Neighborhood Business District to B-5 Urban Business District (1.7 acres); and 1.25 acres from R-15s and R-15 Single Family Residential District to R-MF-1, Multi-family Residential District (2.55 acres).

PROPOSED COMP LAND USE & DENSITY: Regional mixed use with residential densities up to 16 units per acre and accompanying retail.

EXISTING COMP LAND USE & DENSITY: Regional mixed use including office and retail uses and residential dwelling units up to 16 units per acre.

LOCATION: 120 Battlefield Blvd S; 2652 Callison Drive; 129, 133 and 137 Wilson Drive.

TAX MAP SECTION/PARCEL: 0481005000010, 0481005000190, 0481005000180, 0481005000170, 0481005000160

BOROUGH: Pleasant Grove

(Continued from the June 13, 2007 Public Hearing)

[WITHDRAWN.](#)

19. [UP-07-11](#)

PROJECT: Skipper's Watch

APPLICANT: Callison Investors

AGENCY: Kimley-Horn and Associates, Inc.

PROPOSAL: A conditional use permit to exceed the maximum building height by 30 feet to 65 feet pursuant to Section 19-205 of the Chesapeake Zoning Ordinance.

ZONE: *Existing* B-1 Neighborhood Business District, R-15 and R-15s Single Family Residential District. *Proposed* B-5 Urban Business District (1.7 acres); and R-MF-1, Multi-family Residential District (2.55 acres) in R(C)-07-08

LOCATION: 120 Battlefield Blvd S; 2652 Callison Drive; 129, 133 and 137 Wilson Drive.

TAX MAP SECTION/PARCEL: 0481005000010, 0481005000190, 0481005000180, 0481005000170, 0481005000160

BOROUGH: Pleasant Grove

(Continued from the June 13, 2007 Public Hearing)

[WITHDRAWN.](#)

20. [R\(C\)-07-11](#)

PROJECT: Jolliff Woods Phase VI

APPLICANT: Galberry Corporation

AGENCY: Kimley-Horn and Associates, Inc.

PROPOSAL: A conditional zoning reclassification of 14.89 acres from A-1 Agricultural District to R-15s Single Family Residential District for development of single-family homes.

PROPOSED COMP LAND USE & DENSITY: Low Density Residential.

EXISTING COMP LAND USE & DENSITY: Open space/Recreation.

LOCATION: North of the terminus of Lakeshore Drive

TAX MAP SECTION/PARCEL: 00220000002050

BOROUGH: Western Branch

(Continued from the June 13, 2007 Public Hearing)

Planning Commission recommends that R(C)-07-11 be [APPROVED](#) with the following proffers: (7-1; Rowland/Ward – Moore absent)

1. The Applicant/Owner agrees to limit the development to no more than 15 (fifteen) single family residential lots.
2. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$642.34 per residential lot. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat.
3. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$949.03 per residential lot. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat.
4. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic

control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$1,746.00 per residential lot. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat.

5. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be \$7,500.00 per residential lot. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat. The applicant/owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the applicant/owner agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.
6. The Applicant/Owner agrees that there shall be a conservation area on-site as indicated on the preliminary site plan exhibit entitled "SALASKY PROPERTY REZONES" dated March 12, 2007 and prepared by Kimley-Horn and Associates, Inc. This area shall be undisturbed in perpetuity, preserved in its natural state, and maintain a minimum 20% canopy.
7. The applicant/owner shall have a *Qualified Environmental Professional* lawfully remove and dispose of the various debris identified within Figure 2 of Kimley-Horn and Associates' March 2007 Phase I ESA, and the debris shall be removed from the subject property prior to and/or in concurrence with land clearing activities in accordance with all local, Federal, and Virginia Solid Waste Management Regulations (9VAC20-80-680). The removal and disposal of the tires located on the subject property shall be in accordance with Virginia Solid Waste Regulations under code 9VAC20-80-670, and the possible abandoned on-site well shall be closed in accordance with Virginia Department of Health Private Well Regulations (April of 1992).

21. [S\(V\)-07-62](#)

PROJECT: Lexington Place Subdivision Variance

APPLICANT: W.W. Properties Associates, LLC

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A variance from Section 70-167 of the Subdivision Ordinance to waive the requirement for the installation of sidewalks within a 14-lot residential subdivision on a 112.8 acre parcel.

ZONE: RE-1 Residential Estate (105.8 acres) & A-1 Agricultural (7.0 acres)

LOCATION: West side of Saint Brides Road West, approximately 0.5 miles south of the intersection with Dewald Road

TAX MAP SECTION/PARCELS: 0842002000020, 0842002000030,
0842002000040, 0842002000050, 0842002000060, 0842002000070,
0842002000080, 0842002000090, 0842002000100, 0842002000110,
0842002000120, 0842002000130, 0842002000140

BOROUGH: Pleasant Grove

CONTINUED to the August 8, 2007 public hearing due to a tie vote. (4-4; Rowland/Ward – Wilfore, Weaver, Watson, and Whitted opposed a motion to approve - Moore absent)

G. Director's Items

Mr. Nielson reminded the Commission that they can view the video that was aired on June 28, 2007 at the Chesapeake Conference Center in reference to the Ethanol Facility meeting. He stated it will be retelevised on Friday, July 13 at 7:00 p.m. and again on Sunday, July 15 at 2:00 p.m.

H. Unfinished and New Business

- **Motion to cancel the July 25, 2007 Public Hearing meeting.**

APPROVED. (8-0; Peoples/Whitted – Moore absent)

I. Adjournment: 8:40 p.m.

The Chesapeake Zoning Ordinance, Chesapeake Comprehensive Plan, Chesapeake Land Use Plan, Chesapeake tax map book, plats, and maps of the aforementioned properties, documents and proposed text amendments, as described, are available for inspection in the Planning Department, on the second floor in the City Hall building, Chesapeake Civic Center during regular municipal hours. The agenda is also available for viewing on the City's website, www.cityofchesapeake.net, with links to view the applications, proposed text amendments and the staff recommendations when available.

This meeting will be televised live on WCTV-48 and re-televised Wednesday, July 11, 2007 at 11:00 p.m. If the meeting concludes after 11:00 p.m. it will air as soon as technically possible after the conclusion of the live meeting. It will air again on the following Wednesdays, at 7:00 p.m., Thursdays at 1:00 p.m., and on Sunday at 9:00

a.m. until the next scheduled Planning Commission Meeting on August 8, 2007. All interested parties are invited to attend the public hearing.

Those members of the public interested in attending the public hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed above will be exactly followed during the public hearing. Also, due to advertising deadlines, items that have been continued from previous Planning Commission meetings may not appear on this agenda. For further information, contact the Planning Department at 382-6176.